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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,398	07/15/2003	Johannes Hendrikus van Lith	VAND10	7671
7590	06/24/2004			
Ryan A. Schneider Troutman Sanders LLP Bank of America Plaza, Suite 5200 600 Peachtree Street, N.E. Atlanta, GA 30308-2216			EXAMINER CHARLES, MARCUS	
			ART UNIT 3682	PAPER NUMBER

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/619,398

Applicant(s)

VAN LITH ET AL.

Examiner

Marcus Charles

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3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 07-15-2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the first action relating to serial application number 10/619,398, filed 07-15-2003. Claims 1-20 are currently pending.

#### ***Priority***

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Netherlands and WIPO on 01-16-2001 and 01-07-02 respectively. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

#### ***Drawings***

2. The drawings are objected to because the plane upon which a sectional view is taken should be indicated on the view from which the section is cut by broken lines and the lines should be designated by Arabic or Roman numerals corresponding to the view number of the section view. Therefore, in fig. 3a, the cross sectional line A-A should be --III<sub>b</sub>-III<sub>b</sub>--. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional

replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: in page 3, line 33; the cross-sectional line A-A should be --III<sub>b</sub>-III<sub>b</sub>-- (see drawing objection). Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 10, "the transition region (33)" lacks antecedent basis.

In claim 19, it is not clear if the drive belt and the continuously variable transmission is the same as in claim 1. If they are the same, then there includes a variable transmission. It is suggested to insert "The" before "drive belt" and "the" before "continuously variable transmission".

Claim 20 is rejected for the same reasons as claim 19.

In addition, in claim 20 the phrase "such as" renders the claim indefinite

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because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by JP (2001-317594). JP (2001-317594) discloses the claimed invention (see fig. 3) including a transition region (see fig. 4), which comprises two parts having different radii curvature, such that the first radius at the side surface is larger than that of the second radius at the side of the pulley contact surface.

In claim 2, note the line 32d intersects the pulley sheave contact surface.

In claims 19-20, JP (2001-317594) clearly discloses the drive belt and the continuously variable transmission, wherein the drive belt comprises two endless carriers (30).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP (2001-317594). JP (2001-317594) does not disclose the ranges of the radii of curvature for the first and second radii. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the radii of curvature for the first and second radii so that each one has a range as recited by the claimed invention, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

10. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP (2002-317594) in view of JP (10-213185). JP (2002-317594) does not disclose the pulley contact surface of the belt element is corrugated by means of bulges. JP (10-213185) discloses a CVT comprising belt elements that are corrugated by means of bulges on the pulley contact surface in order to prevent shock loading and to minimize frictional wear. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the pulley contact face of the belt element of JP (2002-317594) so that it is corrugated by means of bulges in view of JP (10-213185) in order to prevent shock loading and to minimize frictional wear.

### ***Conclusion***


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. JP (2000-240745), Brouwers (5,011,461) and Smeet et al. (6,045,474) discloses a pulley having pulley engaging surfaces that are corrugated by means of bulges. Smirl (4,526,559), JP (11-108123), JP (64-

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22430) and Ide et al. (4,824,424) disclose a CVT having a pulley with transition region having various radii.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
Marcus Charles  
Primary Examiner  
Art Unit 3682  
June 16, 2004